

The claimant appeared by and through his attorney, Andrew E. Busch of Wichita, Kansas. The respondent, a qualified self insured, appeared by and through its attorney, Curtis M. Irby of Wichita, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopted the stipulations listed in the March 7, 1994, Award.

ISSUES

- (1) Whether claimant met with personal injury by accident on the dates alleged.
- (2) Whether claimant's injuries arose out of and in the course of his employment with respondent.
- (3) What is the nature and extent of claimant's disability, if any?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

The finding of the Special Administrative Law Judge that claimant has sustained a five percent (5%) permanent partial whole body disability as a result of a work-related injury to his low back should be affirmed.

In addition, claimant's testimony that his left ankle was injured as a result of his low back condition is supported by the testimony of Dr. Eyster and treatment for that injury is likewise found compensable. Claimant has not sustained any permanent impairment as a result of the injury to his ankle, but he is entitled to payment of past medical treatment for that condition.

The Appeals Board otherwise adopts all findings made by the Special Administrative Law Judge not inconsistent with the express rulings made herein.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Special Administrative Law Judge William F. Morrissey entered in this proceeding on March 7, 1994, should be, and hereby is, modified to include an award for past medical treatment for the claimant's left ankle injury, but is otherwise affirmed in all respects, and that the orders contained in the Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of March, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Andrew E. Busch, Wichita, KS
 Curtis M. Irby, Wichita, KS
 William F. Morrissey, Special Administrative Law Judge
 George Gomez, Director